

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff

v.

Oscar SALAZAR GUERRERA

AKA: Mohamed Ruzaik Waffa

IBRAHIM

Magistrate Docket No. _____

COMPLAINT FOR

VIOLATION OF:

TITLE 18 U.S.C. § 1544

Misuse of Passport (Felony)

FILED
'08 MJ 0821
08 MAR 14 PM 1:38
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

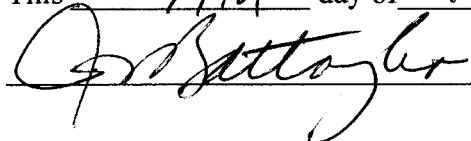
On or about March 11, 2008, within the Southern District of California, defendant Oscar SALAZAR GUERRERA did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 425565811 issued in the name Mohamed Ruzaik Waffa IBRAHIM, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Mohamed Ruzaik Waffa IBRAHIM, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 14th day of MARCH, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Oscar SALAZAR GUERRERA used the passport issued and designed for the use of another. This Affidavit is made in support of a complaint against DEFENDANT for violation of Title 18, U.S.C., Section 1544.
3. On 03/13/2008, at approximately 0545 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with U.S. Passport number 425565811 bearing the name Mohamed Ruzaik Waffa IBRAHIM, DPOB 01/14/1974, Sri Lanka and a photograph that was not DEFENDANT. The CBP Officer suspected that the passport was not issued to DEFENDANT and he was referred for secondary inspection. Fingerprint check revealed that DEFENDANT had been previously arrested under the name Oscar SALAZAR GUERRERA.
4. On 03/13/2008, at approximately 0700 hours the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE.
5. Affiant conducted record checks of a U.S. State Department database and contacted the true person, Dr. Ibrahim Ruzaik Waffa IBRAHIM. Dr. IBRAHIM advised that his passport had been stolen from his vehicle in San Diego on 03/07/2008.
6. On 03/13/2008, at approximately 1115 hours, DEFENDANT was retrieved from the pedestrian secondary inspection area and was brought to an interview room. The Affiant assisted by a CBP Officer, who also acted as translator, obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Oscar SALAZAR GUERRERA, DPOB 10/19/1974, Mexico City, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that on or about 03/13/2008 he promised to pay a smuggler \$1,500 for use of a false U.S. Passport and transportation to Los Angeles. DEFENDANT identified U.S. Passport number 425565811, bearing the name Mohamed Ruzaik Waffa IBRAHIM. He admitted that he subsequently used that passport to apply for entry into the United States

at the San Ysidro Port of Entry on or about 03/13/2008. He admitted knowing that the passport was not issued or designed for his use and that it was a violation of US law to use a passport in the name of another.

7. DEFENDANT admitted that he had previously attempted to illegally enter the United States on or about 02/10/2008, 03/01/2008, and 03/04/2008, and was subsequently voluntarily removed to Mexico on each occasion.

8. DEFENDANT made a recorded oral confession as to his true identity and to elements of the charges.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offense on or about 03/13/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Mohamed Ruzaik Waffa IBRAHIM, knowing that it was not issued or designed for his use, in order to gain admission into the United States.